

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as process of making and product made under M.P.E.P. § 806.05(f) and the product, as claimed, can be made by a materially different process, such as retaining the initial binder and lubricant amounts without thermal removal to make the final product.

However, it is clear that the product, as claimed, cannot be made by retaining the initial binder and lubricant amounts without thermal removal, since the product of Group II recites in the last paragraph that the resin powder has the same final weight percent range relative to the total weight as that recited in the process steps of Group I. Therefore, the product, as claimed, cannot be made by the process postulated by the Examiner. Since the requirements of M.P.E.P. § 806.05(f) have not been met, it is requested that the claims of Groups I and II be rejoined and examined in the present application.


Further, if the claims of Group II are ultimately found allowable, it is requested that the claims of Group I be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Finally, Applicants traverse the restriction requirement on the grounds that thousands of U.S. patents have issued in which many more than two subclasses have been searched, and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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